## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

1	No. 7:21-CV-25-D	
DANIEL MCCARTHY, et al.,	)	
Plaintiffs,	)	
v.	)	ORDER
ACTIVE ENERGY GROUP, PLC, et al	l., )	
Defendants.	)	

This matter is before the court regarding the scheduling of a court-hosted settlement conference. On December 22, 2021, Judge Dever denied Defendants' motion to dismiss, indicated the undersigned was available to host a settlement conference, and ordered the parties to notify the court if they would like to participate in such a conference by no later than January 10. [DE-25]. On January 12, Plaintiffs' counsel filed a Notice of Agreement to Participate in a Settlement Conference, stating that the parties agreed to participate in a court-hosted settlement conference. [DE-26]. The parties were ordered to confer and propose mutually agreeable dates for the conference. [DE-27].

Plaintiffs' counsel subsequently filed a Notice of Availability to Participate in a Settlement Conference, stating that Plaintiffs' counsel attempted to confer with opposing counsel via email and attached as an exhibit the email correspondence. [DE-30]. Defense counsel did not provide proposed dates and indicated a preference to utilize a private mediator rather than court-hosted settlement. [DE-30-1]. Plaintiffs' Notice of Availability stated a conference would be more productive after a period of discovery and proposed dates in August. Plaintiffs also filed a request to attend the conference virtually. [DE-31].

It appears the parties do not, in fact, agree to participate in court-hosted settlement at this time. The undersigned remains available to host a settlement conference should Defendants' position change, and will schedule a conference upon the filing of a joint notice from the parties that includes proposed mutually agreeable dates. The Plaintiffs' motion to attend the conference virtually is denied as moot.

SO ORDERED, the 27th day of January, 2022.

Robert B. Jones, Jr.

United States Magistrate Judge